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m-Qube, Inc. & VeriSign, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BABAK PISHVAEE, individually, and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

VERISIGN, INC., a California corporation,
M-QUBE, INC., a Delaware corporation,
and AT&T MOBILITY LLC, formerly
known as Cingular Wireless LLC, a
Delaware corporation,

Defendants.

Case No.: C-07-3407-JW

**[PROPOSED] ORDER GRANTING
DEFENDANTS M-QUBE, INC. AND
VERSION, INC.'S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, TO COMPEL
ARBITRATION**

Date: February 4, 2008

Time: 9:00 a.m.

Place: Courtroom 8

Judge: Hon. James Ware

[PROPOSED] ORDER

On February, 4, 2008, defendants VeriSign, Inc. and m-Qube, Inc.'s motion to dismiss all counts against VeriSign and m-Qube (Count I under the Consumer Legal Remedies Act, Count II under sections 17200 and 17500 of the Business and Professions Code, Count III for unjust enrichment, and Count IV for Declaratory and Injunctive Relief) or, in the alternative, to compel arbitration came on regularly for hearing before the Honorable James Ware in the above captioned action. The parties were all represented by counsel.

After reviewing the papers submitted in support of and in opposition to the motion, hearing oral arguments of counsel, and good cause appearing therefore:

IT IS HEREBY ORDERED as follows:

1. VeriSign and m-Qube's Motion to Dismiss all counts against VeriSign and m-Qube (Count I under the Consumer Legal Remedies Act, Count II under sections 17200 and 17500 of the Business and Professions Code, Count III for unjust enrichment, and Count IV for Declaratory and Injunctive Relief) is GRANTED;

[2. VeriSign and m-Qube's Alternative Motion to Compel Arbitration is GRANTED, and Plaintiff shall submit his individual claim to arbitration;]

[3. This action is dismissed [or, all further judicial proceedings in this action are stayed until arbitration proceedings among the parties have been completed.]]

DATED: _____

The Honorable James Ware